IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 8435 of 2002

Between:

Uppplapati Anjaneya Vara Prasad, S/o. Venkateshwara Rao,
R/o. 74-27-26, Ayyappanagar, Vijayawada, Krishna District.

..... PETITIONER

AND

1 The Registrar, Nagarjuna University,
Nagarjunanagar, Guntur - 522 510
2 Sri Duddukuru Shivaramakrishna, S/o. D.Koteshwara Rao,
USIC Department, Nagarjuna University,
Guntur - 522 510
3 The Secretary to Government , Higher Education Department,
Government of Andhra Pradesh, Secretariat,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records in selecting and appointing the 2nd unofficial respondent vide Proc., dt. 25.1.2002 as Technician Gr."C" on production of bogus, duplicate, Certificates by yielding to the influence and ulterior motives as highly illegal, against the principles of natural justice, equity and fair play and prays direction to the respondents to consider the case of the petitioner for appointment to the post of Technician Gr."C" Mechanical.

Counsel for the Petitioner: MR.CH.GANESH

Counsel for the Respondent No.1:SRI T.S.HARNATH

Counsel for the Respondent No.2: SMT.J.JAYANTHI

The Court made the following :

ORDER:

The grievance of the petitioner is that as per the Notification issued by the 1st respondent –University, he has applied for the post of Technician Grade-C (Mechanical/Workshop). The respondent University, vide Memo No.NU/Estt/NTS/E.1/96-97 dated 21.06.1996, informed the petitioner to appear for the written test and accordingly the petitioner appeared for the written test and also to the subsequent interview and trade test on 02.07.1996. The respondent University displayed the selected list of the successful candidates on the notice board of the University, which include the name of the petitioner. In the meantime, there was a sudden unrest in the University and the then Vice Chancellor had resigned and subsequently the University was kept under the temporary charge of an I.A.S. Officer, due to which, no appointment orders have been issued to the selected candidates. Challenging the same, the petitioner filed a writ petition being W.P.No.30552 of 1998. The said writ petition was disposed of, holding that the vacancies have to be filled up in accordance with the rules that existed when they fell vacant. In pursuance of those orders, the 1st respondent-University conducted interviews once again and the petitioner has attended the same on 9.9.2001. The petitioner learnt from the minutes of the Selection Committee that he was selected from OC category against the post of Technician Grade-C (Mechanical). In the subsequent developments, three vice-chancellors have been changed and finally an

appointment order was issued on 25.1.2002 in the name of one Duddukuru Sriramakrishna as Technical Grade-C (Electronics), in the place of the petitioner. Hence, the writ petition.

The 1st respondent filed its Counter affidavit denying the allegations mentioned in the writ petition. It is stated that after conducting the interviews, the Selection Committee selects the candidates and the selections made by that Committee will be placed before the Executive Council (appointing Authority) of the University. On approval of the selections made by the Committee, the Executive Council passes a resolution appointing the selected candidates and then appointment orders will be issued. While this being the procedure, the petitioner invented a story to the effect that the selected list containing his name was displayed. There is no procedure for displaying the selected list. On the other hand, the list prepared by the Selection Committee will remain confidential till appointments are made. The delay in making appointments, to some extent, was on account of the restrictions imposed by the Government. Though the petitioner has attended the interview on 9.9.2001, he was not selected. The minutes of Selection Committee dated 9.9.2001 selecting the 2nd respondent as Technician Grade-C under O.C. category were approved by the Executive Council in its meeting dated 9.1.2002.

The 2nd respondent filed his Counter contending that the petitioner has no locus standi to file this writ petition, challenging his appointment. In pursuance of the interviews conducted by the selection committee on 09.09.2001, he was appointed as Technician Grade–C (Electronics). Even according to the petitioner, he was not an applicant for the said post. The petitioner is not an aggrieved person on account of his appointment as Technician Grade-C (Electronics). Even according to the petitioner as mentioned in para-3 of his affidavit, he has applied for the post of Technician Grade-C (Mechanical/Workshop), whereas this respondent has applied for the post of Technician Grade–C (Electronics) and got selected.

Learned Counsel for the petitioner contended that all the three posts of Technician Grade-C i.e. (1) Technician (Glass blowing), (2) Technician Mechanical/Workshop and (3) Technician (Electronics), have not been filled up as per the notification issued and that the 2nd respondent, who comes under the open category, was selected against the vacancy of reserved post. Hence, he prays to allow the writ petition.

On the other hand, the learned Counsel appearing on behalf of the 1st respondent-Nagarjuna University contended that all the three posts of Technician Grade-C have been filled up as per notification issued, and the 2nd respondent was selected as Technician Grade-C (Electronics) and the petitioner has not even applied for the post of Technician Grade-C (Electronics) and therefore, there is no infringement of right, whatsoever, to the petitioner.

The Counsel for the 2nd respondent supported the stand taken by the 1st respondent University. The 1st respondent University has notified three posts of Technician Grade-C by a Notification dated 05.02.1996 along with other posts. This Court is concerned with the post of Technician Grade-C. Out of three posts, one goes to Scheduled Caste, one goes to open category and the remaining one goes to B.C-D category. The grievance of the petitioner is that according to him, the Technician (Glass blowing) goes to Scheduled Caste, Technician (Mechanical) goes to O.C. and Technician (Electronics) goes to B.C-D, but the said contention cannot be accepted in view of the fact that there is no such specific reservation for each trade in the Notification. The Notification only mentions about filling up of three posts of Technician Grade-C. The learned Counsel for the 1st respondent contended that as per the notification, one candidate belonging to Scheduled Caste, one candidate belonging to open category and another candidate belonging to B.C-D have to be appointed against the three posts of Technician Grade –C. They have not violated the conditions stipulated in the Notification. Since the petitioner has not even applied for the post of Technician Grade-C (Electronics), the question of considering his case against the said post, does not arise and he cannot challenge the appointment of 2nd respondent, who was appointed against the vacancy of Technician Grade-C (Electronics).

For these reasons, the writ petition is devoid of merit and is accordingly dismissed.

20.07.2005

MRKR

To:

1 The Registrar, Nagarjuna University, Nagarjunanagar, Guntur

- 522 510

2 The Secretary to Government , Higher Education Department,
Government of Andhra Pradesh, Secretariat, Hyderabad.

3 Two C.D. copies.